

**Remarks:**

The Office Action dated March 28, 2006, rejected claims 1-129 on various grounds. As explained in the Interview Summary, the examination of claims 1-129 was in error because these claims were previously cancelled in the Preliminary Amendment filed January 5, 2004. A copy of the Preliminary Amendment and a copy of the return postcard indicating receipt of the Preliminary Amendment by the Patent Office are attached. Applicants respectfully request consideration of pending claims 130-152 as agreed by the Examiner and Applicants' representative in the interview conducted on May 18, 2006.

The Examiner is invited to contact the undersigned attorney at (512) 536-5654 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,




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Date: May 23, 2006

Please indicate receipt of the below-identified paper:

22264 U.S. PTO

<input type="checkbox"/> New Application For:		Priority Date: 10/751586	
<input type="checkbox"/> Foreign priority already claimed			
<input type="checkbox"/> Continuation	<input type="checkbox"/> CIP	<input checked="" type="checkbox"/> Divisional	CPA <input type="checkbox"/> 010504
<input checked="" type="checkbox"/> Specification: 105 Pages		<input checked="" type="checkbox"/> Drawings: 48 Sheets	
<input type="checkbox"/> Response to Office Action Dated:		<input type="checkbox"/> Final Rejection	
<input checked="" type="checkbox"/> Other: Req. for Filing Div. Appl. Under 37 C.F.R. 1.53(b); Originally Filed Appl., Declaration, Preliminary Amendment, \$412.00 Check and Our Return Postcard.			
<input type="checkbox"/> Assignment Enclosed	<input type="checkbox"/> Cert. of Timely Mailing	<input checked="" type="checkbox"/> Exp. Mail: EV323283507US	

**IDENTIFICATION OF APPLICATION**

Serial No.: Unknown	
Title: APPARATUS AND METHOD FOR ELECTROPORATION OF BIOLOGICAL SAMPLES	
Applicant: Sergey M. Dzekunov, et al.	Attorney: DLP
Client: MAXCYTE, INC.	F&J File No.: MAXC:013USD1
Mailed:	Filed: JANUARY 5, 2004
	Due Date:

EXPRESS MAIL MAILING LABEL	
NUMBER	EV 323283507 US
DATE OF DEPOSIT	January 5, 2004

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Sergey M. Dzekunov et al.

Serial No.: Unknown

Filed: Concurrently Herewith

For: APPARATUS AND METHOD FOR  
ELECTROPORATION OF BIOLOGICAL  
SAMPLES

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: MAXC:013USD1/DLP

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-01450

Commissioner:

Please amend this application as follows prior to examination thereof.

**Amendments to the Claims**, reflected in the Listing of Claims, begin on page 2 of this paper.

**Amendments to the Specification** begin on page 4 of this paper.

**Remarks** begin on page 5 of this paper.

## AMENDMENTS

### Listing of Claims

1-129 (Canceled)

130. (New) A method of producing an infectious vector comprising:

- a) transfecting a cell by flow electroporation with:
  - i) at least one polynucleotide molecule comprising one or more viral genes, wherein the polynucleotide lacks a functional packaging signal; and
  - ii) at least one polynucleotide molecule comprising one or more transgenes and a viral packaging signal;
- b) culturing the transfected cell; and
- c) harvesting the infectious vector.

131. (New) The method of claim 130, wherein the infectious vector is a retroviral vector.

132. (New) The method of claim 130, wherein the infectious vector is a lentiviral vector.

133. (New) The method of claim 130, wherein at least one polynucleotide molecule is a DNA molecule.

134. (New) The method of claim 130, wherein at least one polynucleotide molecule is a RNA molecule.

135. (New) The method of claim 130, wherein the cells are transfected with at least three polynucleotide molecules.

136. (New) The method of claim 130, wherein the cells are adherent cells.

137. (New) The method of claim 130, wherein the cells are suspension cells.

138. (New) The method of claim 130, wherein the cells are mammalian cells.

139. (New) The method of claim 138, wherein the cells are human cells.

140. (New) The method of claim 138, wherein the cells are mouse cells.

141. (New) The method of claim 138, wherein the cells are hamster cells.

142. (New) A method of producing a retroviral vector or a lentiviral vector comprising:

- a) transfecting a cell by electroporation with:
  - i) at least one polynucleotide molecule comprising one or more viral genes, wherein the polynucleotide lacks a functional packaging signal; and

- ii) at least one polynucleotide molecule comprising one or more transgenes and a viral packaging signal;
  - b) culturing the transfected cell; and
  - c) harvesting the retroviral vector or the lentiviral vector.
143. (New)The method of claim 142, wherein at least one polynucleotide molecule is a DNA molecule.
144. (New)The method of claim 142, wherein at least one polynucleotide molecule is a RNA molecule.
145. (New)The method of claim 142, wherein the cells are transfected with at least three polynucleotide molecules.
146. (New)The method of claim 142, wherein the cell is an adherent cell.
147. (New)The method of claim 142, wherein the cell is a suspension cell.
148. (New)The method of claim 142, wherein the electroporation is flow electroporation.
149. (New)The method of claim 142, wherein the cells are mammalian cells.
150. (New)The method of claim 149, wherein the cells are human cells.
151. (New)The method of claim 149, wherein the cells are mouse cells.
152. (New)The method of claim 149, wherein the cells are hamster cells.

**In The Specification**

Replace the paragraph at page 1, lines 10-14 with the following:

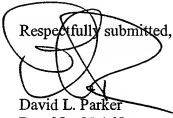
This application is a divisional to U.S. Patent Application No. 10/225,446 filed on August 21, 2002 which claims benefit of provisional patent application Serial No. 60/354,571, filed February 5, 2002 and provisional patent application Serial No. 60/314,241, filed August 22, 2001, the entire contents of each which are incorporated herein by reference. Additionally, all patents, published patent applications, and other references cited throughout this specification are hereby incorporated by reference in their entireties.

## REMARKS

Support for claims 130-152 can be found on at least page 13, lines 33-35; and page 71, line 5 to page 72, line 11.

It is believed that no fees are due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/MAXC:13USD1/DLP.

Respectfully submitted,

  
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Date: January 5, 2004